

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Margarita Gaeta, et al.,

NO. C 05-04115 JW

Plaintiff(s),

v.

Perrigo Pharmaceuticals Company et al.,

Defendant(s).

**ORDER GRANTING PLAINTIFFS'  
RULE 15(a) UNOPPOSED MOTION FOR  
LEAVE TO FILE PLAINTIFFS' SECOND  
AMENDED COMPLAINT; DENYING  
MOTION TO STRIKE AS MOOT**

Plaintiffs Augustine Gaeta, individually, and Margarita Gaeta, individually and as Guardian ad litem for A.G., a minor child, seeks leave to amend Plaintiffs' First Amended Complaint to join new parties, to eliminate certain claims, and to make other minor typographical changes. The motion was noticed for hearing on March 13, 2006. Defendant Perrigo Pharmaceuticals Company has stipulated to the filing of Plaintiffs' Second Amended Complaint. See Defendant's Reply filed January 24, 2006.

The Court finds it appropriate to take this matter under submission for decision on the basis of the papers filed by the parties, without oral argument pursuant to Local Rule 7-6. Based upon all papers filed to date and the stipulation of the parties, the Court GRANTS Plaintiffs' Motion for Leave to File Plaintiffs' Second Amended Complaint in accordance with Federal Rule of Civil Procedure 15(a). Plaintiffs shall file and serve the Second Amended Complaint no later than March 13, 2006.

Further, Defendant's motion to strike is denied as moot.

Dated: February 27, 2006

05cv4115sac

/s/James Ware

JAMES WARE

United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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15 **Dated: Feb. 28, 2006**

**Richard W. Wieking, Clerk**

16 **By: /s/JW Chambers**  
17 **Melissa Peralta**  
18 **Courtroom Deputy**